Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)	A2003015(2)

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on ~~is being filed via EFS-Web on 01/15/2009~~

Signature _Oliver Strimpel_

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Application Number	Filed
10/816,291	04/01/2004

First Named Inventor
Shailendra Mathur

Art Unit	Examiner
2109	P.S. Salomon

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
 Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record. Registration number _56,451_

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Oliver Strimpel
 Signature

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978-640-6789
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January 15, 2009
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☑ *Total of _3_ forms are submitted.

Appl. No.:	10/816,291	Confirmation No. 8582
Applicants:	Shailendra MATHUR	
Filed:	April 1, 2004	
For:	GRAPHICAL USER INTERFACE FOR PROVIDING EDITING OF TRANSFORM HIERARCHIES WITHIN AN EFFECTS TREE	

Art Unit:	2109
Examiner:	Pheneul S. SALOMON
Docket No.:	A2003015(2)
Cust. No.:	26643

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

In reply to the Final Office Action of October 15, 2008, Applicants submit a Notice of Appeal, a Pre-Appeal Brief Request for Review and the following Reasons for Pre-Appeal Brief Request for Review. The Applicant submits that the Final Rejection of claim 1 clearly fails to establish a *prima facie* case of unpatentability over the cited combination of US PG Pub. No. 2003/0085932 ("Samra") in view of U.S. Patent 6,377,712 ("Georgiev"). Moreover, the dependent claims recite additional subject matter which is not described or rendered obvious by the cited references, either alone or in combination.

The Final Office Action has Failed to Establish a *Prima Facie* Case of unpatentability of claim 1

First, neither reference describes what is claimed. Claim 1 recites (with relevant portions highlighted in bold):

> 1. (Previously Presented) A graphical user interface comprising:
> an editing window;
> means for enabling a user to **interactively edit in the editing window** one or more **transformation hierarchies** including one or more geometrical transformation operators employing mathematical matrices, wherein a transformation operator provides transformation data as an output;
> means for enabling a user to **interactively edit in the editing window** one or more **effects trees** including effects operators, wherein at least one effect

> operator in the effect tree has one or more inputs for receiving transformation data
> and has a local transformation specification that is combined with the received
> transformation data; and
>
> **means for enabling a user to connect an output of a transformation
> operator to an input of an effect operator for receiving the transformation
> data;**
>
> a display operable to present the editing window including both the one or
> more transformation hierarchies and the one or more effects trees to the user.

Neither Samra nor Georgiev describes nor renders obvious a "means for enabling a user to
connect an output of a transformation operator to an input of an effect operator for receiving the
transformation data," as recited in claim 1.

The Final Office Action asserts that Samra describes a connection between "an output of
a transformation operator to an input of an effect operator for receiving the transformation data"
as claimed, at FIG. 2b of Samra. However, Samra explicitly notes that this figure depicts "an
example compositing tree comprised of images and effects, where all the effects are simple
composites," (see, e.g., Samra at para. 9). Therefore, Samra does not describe anything more
than connections between images and effect operators in an effects tree. The interface depicting
connections between an image and an effect operator, as shown by Samra, does not describe a
"means for enabling a user to connect <u>an output of a transformation operator</u> to an input of an
effect operator for receiving the transformation data," as required by claim 1. The Examiner
appears to believe that an "image" as described in Samra is "an output of a transform operator"
(as recited in claim 1). But that is not correct. Claim 1 recites that the output of a transform
operator is "transformation data," not image data. Thus, Samra cannot properly be alleged to
describe a connection of the output of a transform operator to the input of an effect operator.

Second, since neither Samra and Georgiev describe what is claimed, the proposed
combination of these references does not describe what is claimed. In response to the
Applicant's previously submitted argument, the Final Office Action asserts:

> "Samra does disclose effects applied to media in a tree view and different
> transformations that lead to the end result and Georgiev states that to achieve a
> good visual effect, the user must define the distortion at a large number of points
> throughout the image and this can be achieved at a high cost of user effort (col. 1,
> lines 34-37). Georgiev makes it easier in such a way that user does not have to
> define hundreds of points of distortion by hand, which is labor intensive and time
> consuming. Therefore, user gets greater flexibility and control in editing
> transform hierarchies within effects tree."

The foregoing excerpt does not address Applicant's argument and is also conclusory. Applicant asserted previously that: "Applicant is not claiming that either the schematic view or the effects view is new (see, e.g., FIG. 1 of the instant application)." Even assuming arguendo that, as asserted by the Office Action, "Samra does disclose effects applied to media in a tree view and different transformations that lead to the end result" and "Georgiev states that to achieve a good visual effect, the user must define the distortion at a large number of points throughout the image and this can be achieved at high cost of user effort," there is nothing about either of these two asserted teachings that would lead one of ordinary skill in the art to combine these teachings in a manner that renders obvious the present claims. In other words, neither Samra nor Georgiev shows a combination of the transform editing and effects tree editing <u>within the same editing window, with a connection from the output of a transform operator to an input of an effects operator</u> as recited in claim 1. Thus, even if one were to assume that everything asserted by the Final Office Action is true regarding the Samra and Georgiev references, the combination of these two references merely leads to the prior art depiction of separate editing windows for the schematic view and a different window for editing the effects tree, as described in FIG. 1 of the current application (reproduced below).
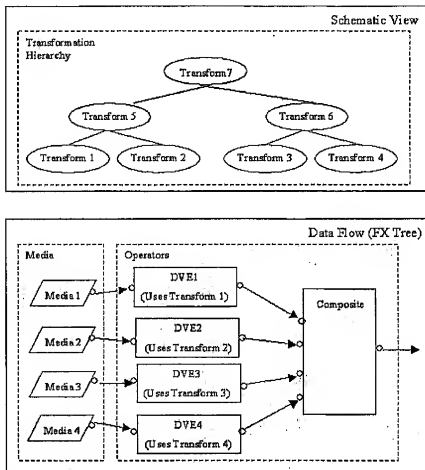
FIG. 1 (Prior Art)

Moreover, the Office Action asserts that it would have been obvious to combine Samra and Georgiev because, "[o]ne would have been motivated to do so in order to give [the] user greater flexibility and greater control in editing transform hierarchies within effects tree." However, there is no evidence in the record showing that one of ordinary skill in the art at the time of this invention would have recognized that the proposed combination would have "give[n] [the] user greater flexibility and greater control in editing transform hierarchies within effects tree." Because the alleged reason for combining Samra and Georgiev lacks support from any evidence in the record, the rejection should be withdrawn.

Accordingly, the rejection with regard to independent claim 1 should be reversed in view of any of the foregoing reasons.

The subject matter of claims 2-4, which depend from claim 1, also are not described by Samra and Georgiev, for at least the same reasons set forth above with respect to claim 1.

Therefore, the rejection of dependent claims 2-4 in view of Samra and Georgiev should be reversed on appeal.

Claims 5 in this application, which depends on independent claim 1, was rejected under 35 U.S.C. §103 as being made obvious by the combination of Samra, Georgiev and US Patent 6,924,821 ("Trinh" et al).

The Office Action asserts that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to include time varying in Samra." However, Samra does not describe "transform operators in a transformation hierarchy," and claim 5 explicitly recites that "transform operators in a transformation hierarchy and effect operators in an effect tree are both kinds of time-varying objects." Thus, even assuming arguendo that combination of Samra and Trinh may produce effect operators that are a kind of time-varying object, there is nothing cited in Trinh which would describe that a transform operator can be a kind of time-varying object, as required by claim 5. Thus, this rejection fails to make a prima facie case of obviousness in view of the cited references.

For any of the reasons outlined above, the current rejection should be overturned and respectfully ask the review committee to withdraw the rejections.

Please apply any other charges or credits to **Deposit Account No. 50-0876**.

Dated: January 15, 2009   Respectfully submitted,

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